

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Thomas R. Jones,

Case No. 3:05CV7342

Plaintiff

v.

ORDER

United States of America,

Defendant

This is Federal Tort Claims action in which the plaintiff alleges medical malpractice. Pending is the defendant's motion to dismiss. [Doc. 39]. The defendant bases the motion on the plaintiff's noncompliance with discovery orders and extensions thereof.

The motion shall be granted.

The initial case management order, entered November 21, 2006, set July 21, 2007, as the deadline for completion of all discovery, including expert discovery. By subsequent order, the plaintiff was to disclose his experts by October 19, 2007 or suffer dismissal. Thereafter, plaintiff was granted until March 15, 2008 to produce an expert report. This deadline was extended until April 4, 2008.

According to the defendant's motion to dismiss , plaintiff has failed to disclose the identity of any medical experts whom he intends to call at trial. Under Ohio law, plaintiff cannot prevail

without expert medical testimony. Though given ample time and opportunity to do so, plaintiff has not found an expert in the thirty-two months since he filed this suit.

I also note that plaintiff has not filed an opposition to defendant's motion to dismiss.

It is, accordingly,

ORDERED THAT defendant's motion to dismiss [Doc. 39] be, and the same hereby is granted.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge